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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,157	07/21/2003	Alfred Thomas	47079-00221	7702

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EXAMINER	
NGUYEN, DAT	
ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,157	THOMAS ET AL.	
	Examiner	Art Unit	
	Dat T. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *08 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendments filed on August 8, 2006 in which applicant amends claims 1, 3, 4, 10, 11 and 14, add new claims 17-20, and responds to claim rejections. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 6,758,473 B2) in view of Driscoll et al. (US 6,496,235).

3. The rejection as stated in office action paper no. 04072006 is maintained and incorporated herein.

4. Seelig et al. discloses a game further comprising a wager input device for receiving a wager to play a wagering game on the gaming machine. The game of Seelig et al. is a game of chance wherein all game outcomes are a result of some random selection and as a result of the random selection, the bonus position symbol moves along the track as part of a bonus game.

Response to Arguments

5. Applicant's arguments filed August 8, 2006 have been fully considered but they are not persuasive.

6. Applicant alleges that Driscoll teaches away from attaching a motor to move the LCD relative to the background because the motor would make the hand held device too expensive for the hand held LCD market. The examiner respectfully disagrees. Although Driscoll does disclose that the attachment of a motor would be to expensive for the LCD market, the examiner finds that it is in no way teaching away from attaching a motor to an LCD since in this instance the application would not be for a hand held LCD gaming device, but instead is for a slot machine gaming device.

7. Applicant further alleges that the invention of Driscoll is to maintain physical sliding or movement of the LCD over a game-playing surface. The physical moment enhancing game play by making the movements of the LCD part of the skill needed to play the game. The examiner has relied on Driscoll for the teaching of attaching the LCD to a movable track and further combines that teaching with a drive mechanism to the primary reference of Seelig. This combination in no way destroys the primary reference nor the secondary reference.

8. Applicant contests that Driscoll is not analogous art because the device of Driscoll does not relate to wagering games. The examiner respectfully disagrees. Although Driscoll does not relate to wagering games, Driscoll is like Seelig in that it is an electronic gaming device utilizing a sliding indicator.

9. Applicant states that Seelig is silent regarding modifying the physical indicator object with anything other than a different physical object and not an LCD. The examiner agrees, however the examiner also believes that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the teaching of Driscoll for attaching a moveable LCD onto a track with the device of Seelig.

10. Applicant alleges that Seelig's use of the word "animated" is strictly limited to mean "cartoon-like." The examiner respectfully disagrees. The passages that applicant has cited do not support the allegation and leave the definition of "animated" to be broadly defined as, "to produce (e.g. a cartoon) creating the illusion of motion," as defined by Websters II Dictionary.

11. Applicant alleges that claims 3 and 13 as amended overcome the prior art in that Seelig and Driscoll fail to disclose a CPU determining a randomly selected game outcome that determines the video image selected by the CPU. The examiner respectfully disagrees. The device of Seelig utilizes a CPU to determine a randomly selected outcome. The randomly selected outcome could be an outcome in which the bonus feature is progressed and the indicator is moved along the track. The LCD device of Driscoll is taught to be capable of displaying images as a result of its position on the track. Since the position of the indicator of Seelig is a result of the random outcome, the combination of attaching the LCD in place of the indicator would yield an LCD who's position is determined by a CPU, which randomly selects a game outcome. Furthermore, whenever the position of the LCD changes due to the randomly selected game outcome, the display is therefore changed as a result of said random outcome.

12. Regarding claim 7, applicant alleges that it would not have been obvious to one of ordinary skill in the art to utilize two separate carriages and motors for positioning the flat panel display. As discussed in the previous office action and incorporated herein, Driscoll and Seelig discloses that the LCD may be moved in a non-linear manner and would therefore require the use of multiple motors and carriages as is well known to one of ordinary skill in the art. Further evidence is provided by Nordman (US 6,712,694) which explicitly discloses the use of multiple carriages and motors in order to animate the motion of a bonus game indicator (figures 5-8 and their corresponding description).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is 5712722178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

SCOTT JONES
PRIMARY EXAMINER